

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LAURIE L. SEALE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:11CV01375 AGF/MLM
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's application for reimbursement of attorney's fees in the amount of \$5,644.00 (33.2 hours at an hourly rate of \$170.00),<sup>1</sup> pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A). Plaintiff also requests \$350.00 in costs. An award of costs is paid out of the judgment fund administered by the Department of the Treasury, and not out of SSA appropriations as per 28 U.S.C. § 2412(c)(1); 31 U.S.C. § 1304.

This Court finds that Plaintiff's request for attorney's fees is supported by appropriate documentation. As this Court entered a final order on April 2, 2012, reversing the decision of the Commissioner and remanding this case for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), Plaintiff is the prevailing

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<sup>1</sup> Although Plaintiff's counsel spent more than 33.2 hours of time on this case, in the request for fees counsel subtracted five hours from the total time expended "in an exercise of billing discretion." See Pl.'s Decl. 2, n.1.

party in this action.

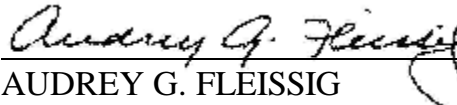
In his response to Plaintiff's request for attorney's fees, the Commissioner offers no objection to an award of fees or to the amount sought.

In accordance with *Astrue v. Ratliff*, U.S. \_\_\_, 130 S. Ct. 2521 (2010), the EAJA fee is payable to Plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's application for attorney's fees is **GRANTED** in the amount of \$5,644.00. (Doc. No. 15]

**IT IS FURTHER ORDERED** that Plaintiff's application for costs to be paid out of the judgment fund administered by the Department of the Treasury, and not out of SSA appropriations, is **GRANTED** in the amount of \$350.00. (Doc. No. 15.)

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 13th day of August, 2012.